HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 289 of 2003 (SS)

Abhijit Umesh Barshilia & others ……. Petitioners

Versus

State of Uttaranchal & others …….Respondents

Sri Manoj Tiwari, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 24.04.2004

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties.

By the present writ petition the petitioners have prayed for the issue of a writ of mandamus commanding the respondents to consider the candidatures of the petitioners for the appointment as L.T. Grade teachers.

Briefly stated the facts giving rise to the present writ petition are that respondent no.3 issued an advertisement on 24.06.2002 whereby 1050 posts of Assistant Teachers L.T. Grade were notified. The last date for submission of application was specified as 15.07.2002. According to the advertisement a candidate should have

completed 21 years of age but should not have crossed 40 years as on 1.7.2002 was eligible for such appointment. The qualification for such posts was graduation along with L.T., B.T.C. or B.Ed. The petitioners have submitted that they are postgraduate in different subjects and admitted to B.Ed. course for the academic session 2001-2002 in S.S. Jeena Almora Campus of Kumaun University, Nainital. The petitioners have submitted that their final result could not be declared as practical examination in other colleges of the University could not be conducted till 28.05.2002. A stipulation made in the advertisement that candidates who have appeared in the final examination before the date of advertisement may submit their mark sheet within three days of the declaration of result. Since all the petitioners had appeared in the final examinations much before the date of advertisement, they submitted application for their appointment as teacher in L.T. Grade. The petitioners have submitted their B.Ed. marks sheet in the office of respondent no.3 within 3 days of declaration of the result and the mark sheets were accepted by the respondent no.3 without raising any objection but the respondent no.3 has not considered the candidature of the petitioner at all for the appointment as Assistant Teacher L.T. Grade.

At the time of filing of the writ petition the Court has passed the following order:

"Learned counsel for the petitioners submitted that the petitioners, who appeared in the B.Ed. examination were refused appointment on the ground that they submitted their certificate of B.Ed. after a delay of nine days from the last date for submission of application. Delay was not deliberate. It was bonafide as the result was declared on 24.07.2002 and the certificate was submitted on 25.7.2002. In these circumstances it is provided that the respondents shall consider the candidature of the petitioners for appointment as L.T. Grade teachers."

Considering the facts and circumstances of the case interim order dated 27.6.2003 has already protected the rights of the petitioners. The direction has already been given for considering the candidature of the petitioners for appointment as L.T. Grade Teachers. No further order are required. The respondents are directed to comply the same.

The writ petitions finally disposed of. no order as to costs.

24.04.2004 Sd/-
Dhyani